

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

---

KEVIN MILLEN, )  
Plaintiff, )  
v. )  
WASTE MANAGEMENT, WAYNE ) No. 15-cv-02788-JPM-tmp  
HUIZENGA, and DAVID STEINER, )  
Defendants. )  
)  
)  
)  
)

---

**ORDER ADOPTING THE REPORT AND RECOMMENDATION; ORDER OF SUA SPONTE  
DISMISSAL WITHOUT PREJUDICE**

---

Before the Court is the Report and Recommendation filed by Magistrate Judge Pham on December 23, 2015. (ECF No. 8.) In the Report and Recommendation, the Magistrate Judge recommends that Millen's complaint be sua sponte dismissed without prejudice because "Millen indicated that he had not yet received a right-to-sue letter from the EEOC." (Id. at 2-3.)

Pursuant to Federal Rule of Civil Procedure 72(b)(2), "[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). No objections to the Report and Recommendation have been filed, and the time for

filings objections expired on January 6, 2016. See  
Fed. R. Civ. P. 5(b)(2), 6(d), 72(b)(2).

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) advisory committee notes. On clear-error review of the Magistrate Judge's Report and Recommendation, the Court hereby ADOPTS the Report and Recommendation (ECF No. 8) in its entirety.

Accordingly, pursuant to 28 U.S.C. § 1915(e)(2)(B), Plaintiff's Complaint (ECF No. 1), filed December 7, 2015, is DISMISSED WITHOUT PREJUDICE.

**IT IS SO ORDERED,** this 25th day of January, 2016.

---

/s/ Jon P. McCalla  
JON P. McCALLA  
UNITED STATES DISTRICT JUDGE